Mr. SPEAKER.—The question is :

"That the House agrees with the Twenty-first Report of the Business Advisory Committee."

The motion was adopted.

Mr. SPEAKER.—Now we will take up further consideration of Mysore Highways Bill, 1963. Sri C. J. Muckannappa may speak for another 10 minutes only.

MYSORE HIGHWAYS BILL, 1963.

Motion to consider.

(Debate continued).

† ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ (ಸಿರಾ).—ಸ್ವಾಮಿ, ಈ ಹೆದ್ದಾರಿಗಳ ವಿಧೇಯಕದ ಒಟ್ಟು ಸಾರಾಂಶ ಮೂರು ನಾಲ್ಕು ಕಲಮ್‌ಗಳಲ್ಲಿ ಅಡಕವಾಗಿದೆ. ಇದರಲ್ಲಿಯ ದೋಷ ನಿವಾರಣೆ ಮಾಡಿದರೆ ಇದನ್ನ ನಾವು ಒಪ್ಪಿಕೊಳ್ಳಬಹುದು, 3ನೇ ಕ್ಲಾಜಿನಲ್ಲಿ ಹೇಳಿರುವ ಐದು ತರಹದ ಹೈವೇಸ್ ಯಾವಯಾವುದು ಅದರ ರೂಪರೇಖೆ ಏನೂ ಹೇಳಲಲ್ಲ. ಆದ್ದರಿಂದ ನಮ್ಮ ಅನುಮಾನ ಪರಿಹಾರ ಮಾಡಲಲ್ಲ. ಈ ಸ್ಟೇಟ್ ಹೈ ವೇ ಉದ್ದ ಅಗಲ ಎಷ್ಟು ಎಂಬುದನ್ನು ಹೇಳಲಲ್ಲ. ಅಂದ ಮೇಲೆ ನಾವು ಯಾವ ಆಧಾರದ ಮೇಲೆ ಮಾತನಾಡಬೇಕು ? ಎಂಬುದು ಅರ್ಥವಾಗುವುದಿಲ್ಲ. ಡೆಫಿನಿಷನ್‌ನಲ್ಲಿಯೂ ಹೇಳಿಲ್ಲವಾದ್ದರಿಂದ ಸಂದೇಹಕ್ಕೆ ಎಡೆ ಕೊಟ್ಟಿದೆ. ಟೌನ್ ಲಿಮಿಟಿನಿಂದ ಎಷ್ಟು ದೂರದವರೆಗೆ ಬೆಟರ್‌ಮೆಂಟ್ ಚಾರ್ಜಸ್ ಹಾಕುವುದು ಅನ್ಯಾಯಿಸುತ್ತದೆ ಎಂಬುದನ್ನು ಸ್ಪಷ್ಟಪಡಿಸಬೇಕು. ಒಂದು ಹಳ್ಳಿಯೊಳಗೆ ಹೆದ್ದಾರಿ ಹಾಯ್ದುಹೋಗುತ್ತದೆ. ಹೆದ್ದಾರಿ ಪಕ್ಕದಲ್ಲಿ ಸೈಟ್ ಮಾಡಿ ಮಾರಾಟ ಮಾಡುತ್ತಾರೆ. ಅಲ್ಲಿ ಬೆಟರ್‌ಮೆಂಟ್ ಚಾರ್ಜಸ್ ಹೇಗೆ ಲೆವಿ ಮಾಡುತ್ತೀರಿ ? ಶೇಕಡ 10 ರಷ್ಟು ಮಾಡುತ್ತೀರಾ, 50 ರಷ್ಟು ಮಾಡುತ್ತೀರಾ ಎಂಬುದನ್ನು ಹೇಳಲಲ್ಲ.

ಶ್ರೀ ವೀರೇಂದ್ರ ಪಾಟೀಲ್.—ಅದನ್ನು ಕ್ಲಾಜ್ 43 ರಲ್ಲಿ ಹೇಳಿದೆ.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಟೌನ್ ಲಿಮಿಟ್ಸ್‌ನಲ್ಲಿ ಇದು ನರಿಹೋಗಬಹುದು. ಆದರೆ ಹಳ್ಳಿಯಲ್ಲಿ ಯಾವ ರೀತಿ ನಿಗದಿ ಮಾಡುತ್ತೀರಿ ? ಟೌನ್ ಲಿಮಿಟಿನಿಂದ ಐದು ಮೈಲವರೆಗೆ ಹಾಕುತ್ತೀರಾ ಅಥವಾ ದಾರಿ ಉದ್ದಕ್ಕೂ ಹಾಕುತ್ತೀರಾ ? ಇದು ನರಿಯಾಗಿ ಅರ್ಥವಾಗುವುದಿಲ್ಲ. ಇದಲ್ಲದೆ ಹೆದ್ದಾರಿ ಅಕ್ಕಪಕ್ಕದಲ್ಲಿ ಒಂದು ಫರ್ಲಾಂಗ್‌ವರೆಗೆ ಬೆಟರ್‌ಮೆಂಟ್ ಚಾರ್ಜಸ್ ಹಾಕಲಾಗುವುದು ಎಂದು ಹೇಳಿದೆ. ಆದರೆ ಒಂದು ಫರ್ಲಾಂಗ್ ಆಚೆಗೆ ಇರುವ ಭೂಮಿ ಬೆಲೆ ಅಪ್ರಿಸಿಯೇಟ್ ಆಗುವುದರಿಂದ ಅದಕ್ಕೆ ಅನ್ಯಾಯವಾಗುವುದಿಲ್ಲವೇ ? ಬೆಂಗಳೂರು ನಗರ ಕಾರ್ಪೊರೇಷನ್ ಲಿಮಿಟ್ಸ್ ಎಕ್ಸ್‌ಟೆಂಡ್ ಮಾಡಿದಾಗ್ಲೆ ಒಂದೇ ದಿನದಲ್ಲಿ ಕೆಲವರು ಶ್ರೀಮಂತರಾಗಿದ್ದಾರೆ. ಒಂದು ಎಕರೆಗೆ ಒಂದು ಸಾವಿರ ರೂಪಾಯಿ ಬೆಲೆ ಇದ್ದುದು ಹತ್ತು ಸಾವಿರ ರೂಪಾಯಿ ಬೆಲೆ ತೆಗೆದುಕೊಂಡಿದ್ದಾರೆ. ಆದುದರಿಂದ ಬೆಟರ್‌ಮೆಂಟ್ ಚಾರ್ಜಸ್ ಯಾವ ರೀತಿ ಹಾಕುತ್ತೀರಿ ಹೇಳಲಲ್ಲ. ಅದನ್ನು ತಿಳಿಸಬೇಕೆಂದು ಕೇಳಿಕೊಳ್ಳುತ್ತೇನೆ. ಇನ್ನೊಂದು ವಿಚಾರ ಅರ್ಥವಾಗುವುದಿಲ್ಲ. ಯಾವ ದಿನದಿಂದ ಇದನ್ನು ಜಾರಿಗೆ ತರುತ್ತೀರಿ ಎಂಬುದನ್ನು ಹೇಳಿಲ್ಲ. ಈಗ ಇರತಕ್ಕ ರೋಡ್ಸ್‌ಗಳಿಗೆ ಅನ್ವಯಿಸುತ್ತದೆಯೇ ಅಥವಾ ಹೊಸ ರೋಡ್ಸ್‌ಗಳಿಗೆ ಅಪ್ಲೈ ಇರುತ್ತದೆಯೇ ? ಹೊಸ ರಸ್ತೆ ಎಲ್ಲಿಂದ ಹಾಯ್ದು ಹೋಗುತ್ತದೆ ಗೊತ್ತಾಗುವುದಿಲ್ಲ. ಯಾವ ಜಮೀನು ಅಕ್ವೈರ್‌ಮಾಡಿಕೊಳ್ಳುತ್ತೀರಿ ? Is it through acquisition or is it through compulsion or is it through consent ? ಇದು ನನಗೆ ಎಲ್ಲೂ ಕಾಣಲಲ್ಲ, ಮನುಷ್ಯನಿಗೆ ಇರಬೇಕಾದ ಮೂಲ ಭೂತವಾದ ಹಕ್ಕು-ಆಸ್ತಿ ಹೊಂದಿರುವುದು ಅಥವಾ ಇನ್ನಾವುದಾದರೂ ರೀತಿಯಲ್ಲಿ ಒಂದು ಹಕ್ಕನ್ನು ಹೊಂದಿರುವುದಕ್ಕೆ ಇದು ಅಪಘಾತ ಮಾಡುತ್ತದೆ, ಆದಕ್ಕೊಸ್ಕರ ಈ ದಿಕ್ಕಿನಲ್ಲೂ ಕೂಡ ಇದನ್ನು ಪರಿಶೀಲನೆ ಮಾಡಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ.

ಶ್ರೀ ವೀರೇಂದ್ರ ಪಾಟೀಲ್.—ಕ್ಲಾಜ್ 15 ರಿಂದ 19 ರವರೆಗೂ ಪ್ರೊಸೀಜರ್ ಪ್ರಿಸ್ಕ್ರೈಬ್ ಮಾಡಿದ್ದೀವೆ, ಅದನ್ನು ನೋಡಿ.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಅದನ್ನೆಲ್ಲಾ ನೋಡಿಕೊಂಡೇ ಹೇಳುತ್ತಾ ಇದ್ದೇವೆ. 41, 42, 43 ಇವುಗಳೆಲ್ಲದರಿಂದ ಬಹಳ ಅಪಘಾತವಾಗುತ್ತದೆ, ಇದನ್ನು ನಿವಾರಣೆ ಮಾಡಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ. ಬೆಟರ್‌ಮೆಂಟ್‌ಲೆವಿ ಹೇಗೆ ಹಾಕುತ್ತೀರಿ ? ಒಂದು ಫರ್ಲಾಂಗ್‌ಗಿಂತ ಹೆಚ್ಚು ಏಕೆ ಇರಬಾರದು? ರಸ್ತೆ ಎಷ್ಟು ಅಗಲ ಇರಬೇಕು. ಸೆಂಟರ್‌ನಿಂದ ಮಾರ್ಜಿನ್ ಎಷ್ಟಿರಬೇಕು ಎಂಬುದನ್ನೆಲ್ಲಾ ಷೆಡ್ಯೂಲ್‌ನಲ್ಲಿ ಹಾಕದರೆ ಚೆನ್ನಾಗಿ ಗೊತ್ತಾಗುತ್ತದೆ. ಇಲ್ಲದೇ ಹೋದರೆ ನಾವು ಮಾತನಾಡುತ್ತೇವೆ ನೀವು ಓಟಿಗೆ ಹಾಕಿ ಪಾಸ್ ಮಾಡಿಸಿಕೊಳ್ಳುತ್ತೀರಿ. ಇದರಲ್ಲಿರತಕ್ಕ ಲೋಪದೋಷಗಳನ್ನು ನಿವಾರಣೆ ಮಾಡದಿದ್ದರೆ ನಾಳೆ ಕೋರ್ಟು ಕಚೇರಿಗಳಿಗೆ ಹೋಗುವುದಕ್ಕೆ ಅವಕಾಶವಾಗುತ್ತದೆ ಎಂದು ನಾನು ತಮ್ಮಲ್ಲಿ ನಿವೇದನೆ ಮಾಡುತ್ತಾ ಇದ್ದೇನೆ.

> "For the purpose of this section, the State Government, shall by notification in the official Gazette specify the date of the commencement of the construction of any work, the date of completion of such work."

ಪ್ರಾರಂಭ ಮಾಡುತ್ತೀವೆ ಎಂದು ಹೇಳಿದ ದಿವಸ ಬೆರೆ ಜಾಸ್ತಿಯಾಗಬಹುದು ಇಲ್ಲದೇ ಹೋದರೆ ಪ್ರಾರಂಭ ಮಾಡಿ ಮುಗಿಸಿದಮೇಲೆ ಬೆರೆ ಜಾಸ್ತಿಯಾಗಬಹುದು, ಇದನ್ನು ಯಾವ ರೀತಿ ನಿರ್ಧಾರ ಮಾಡುತ್ತೀರಿ ? ರಸ್ತೆ ಹಾಕಿದರು ಎಂದು ಇಟ್ಟುಕೊಳ್ಳೋಣ, ಹಾಕಿದ ಮೇಲೆ ಅಜುಬಾಜು ಜಮೀನನ್ನು ಯಾರಾದರೂ ಖರೀದಿ ಮಾಡಬಹುದು ಅಥವಾ ಯಾರಾದರೂ ಅದನ್ನು ಮಾರಾಟಮಾಡಬಹುದು—ವ್ಯವಸಾಯಕ್ಕಾಗಿ ಮಾರಾಟಮಾಡಬಹುದು ಅಥವಾ ಇನ್ನಾವುದಾದರೂ ಕೆಲಸಕ್ಕೆ ಮಾರಾಟಮಾಡಬಹುದು. ಆಗ ಯಾವ ರೀತಿ ಬೆಟರ್‌ಮೆಂಟ್ ಲೆವಿಮಾಡುತ್ತೀರಿ ? ಇದು ಅಶಾಸ್ತ್ರೀಯವಾದದ್ದು, ಶಾಸ್ತ್ರೀಯವಾಗಿಲ್ಲ. ಈ ವಿಷಯದಲ್ಲಿ ನಮ್ಮ ಮನಸ್ಸಿನಲ್ಲಿರತಕ್ಕ ಅನುಮಾನವನ್ನು ದೂರ ಮಾಡಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ.

You are notifying that we are going to take such and such a work and 100 miles we are going to lay. At the same time, you say the date of completion of such work. ಇದು ವಿಚಿತ್ರವಾದುದು. ಒಂದು ರಸ್ತೆ 100 ಮೈಲಿ ಹಾಕುತ್ತೀವೆ ಎಂದು ಒಂದು ದಿವಸ ನೋಟಿಫಿಕೇಷನ್ ಹೊರಡಿಸುತ್ತೀರ ಅದು ಎಂದು ಪೂರ್ತಿಯಾಗುತ್ತದೆ ಎಂದು ಹೇಳುವುದಕ್ಕೆ ಸಾಧ್ಯವಾಗುತ್ತದೆ ? ಭಿದನ್ನು ಹೇಗೆ ಮಾಡುತ್ತೀರಿ ? ಕೆಲಸ ಆದಮೇಲೆ ಪೂರ್ತಿಯಾಗಿದೆ ಎಂದು ಮತ್ತೊಂದು ನೋಟೀಸ್ ಕೊಡುತ್ತೀರಾ ? ಅಥವಾ ಅದಕ್ಕೆ ಮುಂಚೆ ನೋಟಿಫಿಕೇಷನ್ ಹೊರಡಿಸುತ್ತೀರಾ ? ಇದು ಯಾವುದೂ ಅರ್ಥವಾಗುವುದಿಲ್ಲ. ಆದಕ್ಕೆ ಈ ಸಭೆ ಮುಗಿಯುವುದರೊಳಗೆ ಇದನ್ನು ಪರಿಶೀಲನೆ ಮಾಡಿ ಇವುಗಳನ್ನೆಲ್ಲಾ ಸರಿಪಡಿಸಲು ಸೆಲೆಕ್ಟ್ ಕಮಿಟಿಗೆ ಕಳುಹಿಸಿ ಎಂದು ಹೇಳಿದೆ. ನಾವು ಹೇಳುವುದು ಹೇಳುತ್ತೇವೆ, ನಾಳೆ ಕೋರ್ಟು ಕಚೇರಿಗೆ ಹೋಗಿ ಇದು ಡಿಸ್ಕ್ರಿಮಿನೇಟರಿ ಆಗಿ ಅಥವಾ ಸರಿಯಾಗಿಲ್ಲ ಎಂದು ತೀರ್ಮಾನ ಬಂದರೆ ಆಮೇಲೆ ಇದಕ್ಕೆ ತಿದ್ದುಪಡಿ ತರುತ್ತೀರೋ ಏನೋ; ಅದು ಬೇರೆ ಸಮಾಚಾರ. ಎಲ್ಲಾ ಕಷ್ಟಗಳು ಈ ಮೂರು ಪ್ರೊವಿಜನ್‌ಗಳಲ್ಲಿರುವುದರಿಂದ ಇವನ್ನು ಸ್ವಲ್ಪ ಯೋಚನೆ ಮಾಡುವುದು ಸರಿ ಕಾಣುತ್ತದೆ ಎಂದು ನನ್ನ ಅಭಿಪ್ರಾಯ.

> "Any person aggrieved by the order fixing the betterment charges may, by written application to the officer authorised under Section 41, require that the matter be referred to the Civil Judge within the limit of whose jurisdiction the land is situated."

ತಾವು ಬೆಟರ್‌ಮೆಂಟ್ ಹಾಕಿರುವುದು ಸರಿಯಲ್ಲ ಎಂದು ಹೋಗಬೇಕೇ ಅಥವಾ ಕ್ಯಾಂಟಮ್ ಆಫ್ ಅಮೌಂಟ್ ಹಾಕಿರುವುದು ಸರಿಯಲ್ಲ ಎಂದು ಹೋಗಬೇಕೇ ಇದು ಅರ್ಥವಾಗುವುದಿಲ್ಲ. ಇದು ಬಹಳ ಗೊಂದಲಕ್ಕೆ ಈಡುಮಾಡುತ್ತದೆ ಎಂದು ನನ್ನ ಅಭಿಪ್ರಾಯ. ಸಿವಿಲ್ ಜಡ್ಜ್ ಕೊಡತಕ್ಕ ಅವಾರ್ಡ್ ಏನಿದೆ ಅದರ ಮುಂದೆ ಎಲ್ಲಿ ಹೋಗಬೇಕು? ಅದನ್ನು ಇದರಲ್ಲಿ ಹೇಳಿಲ್ಲ. ಅವರದೇ ಫೈನಲ್ ಎಂದು ಮಾಡಿದ್ದೀರಿ, ಇದು ಸರಿಯೇ ಎಂಬುದನ್ನು ಸ್ವಲ್ಪ ಯೋಚನೆಮಾಡಬೇಕು.

"Any such application shall be made within six weeks from the date on which the order of the officer referred to in sub-section (1) was communicated to such person and shall be in such form as may be prescribed."

ಆರು ವಾರ ಎನ್ನುವುದು ಅರ್ಥವಾಗುವುದಿಲ್ಲ, 60 ದಿವಸ ಎಂದು ಮಾಡಿದರೆ ಸರಿಯಾಗುತ್ತದೆ ಎಂದು ಕಾಣುತ್ತದೆ. ಈ ರೀತಿ ನಾವು ಇಲ್ಲಿ ಯಾವ ಮಸೂದೆಯನ್ನು ಪಾಸ್ ಮಾಡಿದಾಗಲೂ ಕೂಡ ಬಂದಿಲ್ಲ. ಆದ್ದರಿಂದ 60 ದಿವಸ ಎಂದು ಇಡಿ. ಇಲ್ಲದೇ ಹೋದರೆ 90 ದಿವಸ ಎಂದು ಇಡಿ, ಆರು ವಾರ ಎನ್ನುವುದರಲ್ಲಿ ಅರ್ಥವಿಲ್ಲ.

"The order fixing betterment charges made under section 42, subject to a reference to the Authority under section 44 and the decision of the Authority on reference under section 44, shall be final".

ಫೈನಾಲಿಟಿ, ಯಾರೂ ಪ್ರಶ್ನೆ ಮಾಡುವ ಹಾಗಿಲ್ಲ ಎಂದರೆ ತಮ್ಮ ಅಭಿಪ್ರಾಯವೇನು ? ತಮ್ಮ ಆಫೀಸರು ಮಾಡಬೇಕು, ಇಲ್ಲದೇಹೋದರೆ ಸಿವಿಲ್ ಜಡ್ಜ್ ಮಾಡಬೇಕು. ಇದೇ ಫೈನಲ್ ಎಂದು ಹೇಳಿ ಅನ್ನತಕ್ಕ ವಿಷಯವನ್ನು ಒಪ್ಪುವುದಕ್ಕಾಗುವುದಿಲ್ಲ. ಎಲ್ಲಿ ಯಾರಿಗೆ ನೋವಾಗಿದೆ ಆ ಮನುಷ್ಯ ಜ್ಯುಡಿಷಿಯರಿನಲ್ಲಾ ಎಕ್ಸಾನ್ಸ್ ಮಾಡಬೇಕು. ಆಗಲೇ ಅವನಿಗೆ ಸಮಾಧಾನ ಇರುತ್ತದೆ. ನಾನು ಸಿವಿಲ್ ಜಡ್ಜ್, ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಜಡ್ಜ್, ಹೈಕೋರ್ಟ್, ಸುಪ್ರೀಂ ಕೋರ್ಟು ಕೊನೆಯವರೆಗೂ ಹೋಗುವುದಕ್ಕೆ ಅವಕಾಶವಿದೆ. ನನಗೆ ಎಲ್ಲಾದರೂ ನ್ಯಾಯ ದೊರಕುತ್ತದೆ ಎನ್ನುವ ಸಮಾಧಾನ ವಾದರೂ ಇರಬೇಕು.

"……the betterment charges recoverable in respect of any land shall, subject to prior payment of land revenue, if any, due to the State Government thereon be a first charge on the land in respect of which such betterment charges are leviable."

ಇದರಲ್ಲಿ ಎಷ್ಟು ದೂರ ಹೋಗುತ್ತೀರಿ ಎನ್ನುವುದು ಅರ್ಥವಾಗುವುದಿಲ್ಲ. ಸರ್ಕಾರದವರಿಗೆ ಬರೆದು ಒಪ್ಪಿದರೆ ಇನ್‌ಸ್ಟಾಲ್‌ಮೆಂಟ್ ಪ್ರಕಾರ ಕೊಡಬಹುದು, ಅದಕ್ಕೆ ಬಡ್ಡಿ ಕೊಡಬೇಕು ಇದು ಯಾವ ನ್ಯಾಯ ?, ಬಡ್ಡಿ ಏಕೆ ಕೊಡಬೇಕು ಎನ್ನುವುದು ಅರ್ಥವಾಗುವುದಿಲ್ಲ. ಈ ವ್ಯಾಪಾರ ಬಿಟ್ಟು ಬಿಡಿ. ಬಡ್ಡಿ ಕೊಡಬೇಕೆಂದು ಹೇಳುವುದು ಸರಿಯಲ್ಲ ಎಂದು ಹೇಳುತ್ತೇನೆ.

2-30 P.M.

ಸ್ಯಾಮಿ, ಇಷ್ಟಾದಮೇಲೆ ಈ ಹೆನಾಲ್ಟಿ ಕ್ಲಾಜಿಗೆ ಬಂದರೆ, ಯಾವ ಕ್ಲಾಜಿನಲ್ಲಿ ನೋಡಲಿ ಶಿಕ್ಷೆ, ಇಲ್ಲವೇ ಜುರ್ಮಾನೆ ನಾವು ರಾಮರಾಜ್ಯ ಸ್ಥಾಪನೆ ಮಾಡುತ್ತೇವೆಂದು ಹೇಳಿ ಸಮಾಜಸುಧಾರಣೆ ಈಗ ಯಾವ ರೀತಿ ನಡೆಯುತ್ತಿದೆಯೆಂದರೆ, ಎಲ್ಲಿ ನೋಡಲಿ ಜೈಲು, ಇಲ್ಲವೇ ಸಜಾ. ಇಲ್ಲ ಯಾವ ಸೆಕ್ಷನ್ನನ್ನೇ ತೆಗೆದುಕೊಳ್ಳಲೀ—55ನೇ ಕ್ಲಾಜಿನಲ್ಲಿ ಹೀಗೆ ಹೇಳಿದೆ :

Disobedience of orders, instructions and refusal to give information etc.

"……shall, on conviction, be punished with fine which may extend to two hundred rupees".

ಏಕೆ ಇದೆಲ್ಲಾ ! ಅವನು ಮಾಡಿರತಕ್ಕ ಅಪರಾಧವಾದರೂ ಏನು ?

ಶ್ರೀ ವೀರೇಂದ್ರ ಪಾಟೀಲ್.—ಇನ್ನು ಜುರ್ಮಾನೇನೂ ಬೇಡ ಎಂದರೆ ಮತ್ತೇನು ಮಾಡಬೇಕೆಂದು ಹೇಳುತ್ತೀರಿ ?

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ತಾವು ಹೀಗೆಲ್ಲಾ ಪ್ರತಿಯೊಂದಕ್ಕೂ ಸಜಾ, ಜುರ್ಮಾನೆ ಎಂತ ಹೇಳುತ್ತಾ ಹೊರಟರೆ ಜನರ ಮನಸ್ಸಿನಲ್ಲಿ ಇನ್ನೇನು ಇವರು ಮಾಡುವುದು ಇಷ್ಟೇ ತಾನೇ ಎಂಬ ಒಂದು ಭಾವನೆ ಬರುತ್ತದೆ. ಅಷ್ಟಕ್ಕೆ ನಾವು ಅವಕಾಶ ಕೊಡಬಾರದು ಎಂದು ಹೇಳುತ್ತೇನೆ. ಜನರು ನಾಗರೀಕರಾಗಬೇಕು, ನಾಗರೀಕರಾಗಲು ಹೋರಾಟ ನಡೆಸಬೇಕು ಎಂದು ಹೇಳತಕ್ಕ

(ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ)

ಸರ್ಕಾರ ಈ ದಿವಸ ಹೀಗೆ ಮಾತೆತ್ತಿದರೆ ಪ್ರತಿಯೊಂದಕ್ಕೂ ಸಜಾ ತಪ್ಪಿದರೆ ಜುಲ್ಮಾನೆ ಎಂದು ಹಾಕುವುದಕ್ಕೆ ಹೊರಟರೆ ಇದು ನನಗೆ ಚೆನ್ನಾಗಿ ಕಾಣುವುದಿಲ್ಲ. ಹೋಗಲಿ ಆ ಜುಲ್ಮಾನೆಯಾದರೂ ಇಪ್ಪು ಭಾರಿ ಏಕೆ ಇದನ್ನು ಇನ್ನೂ ಕಡಿಮೆ ಮಾಡಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ.

ಶ್ರೀ ವೀರೇಂದ್ರ ಪಾಟೀಲ್.—ಇಲ್ಲಿ ಕನ್‌ವಿಕ್ಷನ್ ಎಲ್ಲಿ ಹೇಳಿದೆ ?

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ತಾವು ನಾಳೆ ಗಟ್ಟಿಯಾಗಿ ಮಾತನಾಡಿದವನಿಗೆ 400 ರೂಪಾಯಿ ಜುಲ್ಮಾನೆ, ಮೆತ್ತಗೆ ಮಾತನಾಡಿದವನಿಗೆ ಕೇವಲ 50 ರೂಪಾಯಿ ಜುಲ್ಮಾನೆ ಅಂತ ಹೀಗೆಲ್ಲಾ ಜನರಿಂದ ದಂಡಾ ವಸೂಲ್ಮಾಡಿ ಇವರು ಇನ್ನಾವ ರಾಜ್ಯ ಆಳಬೇಕೆಂದಿದಾರೋ ನನಗೆ ಗೊತ್ತಾಗುವುದಿಲ್ಲ. ಇನ್ನೂ ಮೊನ್ನೆತಾನೆ ನಮ್ಮ ಹೈಯರ್ ಮಿನಿಷ್ಟ್ರಿ ಮರಣದಂಡನೆಯನ್ನೇ ತಪ್ಪಿಸಬೇಕೆಂದು ಹೇಳಿದ್ದಾರೆ. ಹಾಗಿರುವಾಗ ಈ ಹೈವೇಸ್ ಬಿಲ್ಲಿಗೆ ಈ ಜುಲ್ಮಾನೆ ಹಾಕುವುದು ಬೇಡ ಎಂದು ಹೇಳುತ್ತೇನೆ.

ಶ್ರೀ ವೀರೇಂದ್ರ ಪಾಟೀಲ್.—ನಾವಲ್ಲ ಜುಲ್ಮಾನೆ ಹಾಕತಕ್ಕವರು ; ಕೋರ್ಟಿನವರು.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಅವು ತಾನೇ ಇನ್ನೆಷ್ಟರಮಟ್ಟಿಗಿವೆ ? ಈ ವಿಚಾರ ಎಲ್ಲರಿಗೂ ಗೊತ್ತಿರತಕ್ಕದ್ದೇ ಆಗಿದೆ. ಅಂತೂ ಇಲ್ಲಿ ಜುಲ್ಮಾನೆ ಬಹಳ ಜಾಸ್ತಿ ಇದನ್ನು ಅರ್ಧಕರ್ಧ ಕಡಮೆ ಮಾಡಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ.

ಶ್ರೀ ವೀರೇಂದ್ರ ಪಾಟೀಲ್. - ನಾವಿಲ್ಲಿ ಹೇಳಿರತಕ್ಕದ್ದು ಮ್ಯಾಗ್ನಿಮಂ.....

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಈ ವಿಚಾರವನ್ನು ನಾನಿಲ್ಲಿ ಹೇಳುವುದಕ್ಕೆ ಇಷ್ಟಪಡುವುದಿಲ್ಲ ನಿಮ್ಮ ಛೇಂಬರಿನಲ್ಲಿ ಪ್ರತ್ಯೇಕವಾಗಿ ಬಂದು ತಿಳಿಸುತ್ತೇನೆ.

Mr. SPEAKER.—The Member is talking something about confidential matters. Let him deal with the Bill.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಈ ಅಧಿಕಾರವನ್ನು ನಾಳೆ ಇವರು ಯಾರ ಕೈಲಿ ಕೊಡುತ್ತಾರೆ ? ಇದನ್ನು ನಾಳೆ ಇಂಪ್ಲಿಮೆಂಟ್‌ಮಾಡತಕ್ಕವರು ಯಾರು ? ನಾವೇನೋ ಇಲ್ಲಿ ಬೇಕಾದಷ್ಟು ಹೇಳುತ್ತೇವೆ. ಆದರೆ ಅಧಿಕಾರ ಚಲಾವಣೆ ಮಾಡತಕ್ಕವರ ಮುಂದೆ ಇವುಗಳೊಂದೂ ಇರುವುದಿಲ್ಲ. ಆದುದರಿಂದ ಇಲ್ಲಿ ಹೇಳಿರತಕ್ಕ ಜುಲ್ಮಾನೆಯನ್ನು 200 ರಿಂದ 100 ರೂಪಾಯಿಗಳಿಗೆ ಇಳಿಸಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ. ಇನ್ನು ಕ್ಲಾಜ್ 56ಕ್ಕೆ ಬಂದರೆ :

> "Shall on conviction be punished with fine which may extend to five hundred rupees, and with further fine which may extend to one hundred rupees for each day after such conviction during which the offending structure or work is not removed, demolished or cleared and the site not restored to its original condition".

ಇಲ್ಲಿ ಹಂಗಾಮಿ ಪರ್ಮಿಟ್‌ಗಳನ್ನು ಕೊಡುವುದಕ್ಕೂ ಅವಕಾಶವಿದೆ. ಅನಂತರ ಅದನ್ನು ಕಿತ್ತು ಹಾಕಿಸುವದಕ್ಕೂ ಅವಕಾಶವಿದೆ. ಒಂದು ವೇಳೆ ಒಬ್ಬ ಹಂಗಾಮಿ ಲೈಸೆನ್ಸ್ ಪಡೆದು ಷೆಡ್‌ಹಾಕುವ ಬದಲು ಒಂದು ಬಲವಾದ ಕಟ್ಟಡವನ್ನೇ ಕಟ್ಟುತ್ತಾನೆ. ಅಂಥ ಮನುಷ್ಯನಿಗೆ ಕಟ್ಟಡವನ್ನು ಕೀಳಬೇಕೆಂದು ಹೇಳಿದಾಗ ಅವನಿಗೆ ಸಿವಿಲ್ ಕೋರ್ಟುಗಳಿಗೆ ಹೋಗಲು ಅವಕಾಶವಿಲ್ಲ. ಆಗ ಅವನು ಹೈ ಕೋರ್ಟಿಗೆ ಒಂದು ರಿಟ್‌ಹಾಕಿದರೆ, ಅದು ವರ್ಷಾನುಗಟ್ಟಲೆ ಎಳೆಯುತ್ತದೆ. ಆಗ ನೀವು ಈ 56ನೇ ಕ್ಲಾಜಿನಲ್ಲಿ ಹೇಳಿರುವಂತೆ ದಿನಕ್ಕೆ 100 ರೂ. ಗಳಂತೆ ಜುಲ್ಮಾನೆ ಹಾಕಲು ಸಾಧ್ಯವೇ ? ಹೀಗೆಲ್ಲಾ ಆಗುವುದಾದರೆ ನಮಗೆ ಇಂಥಾ ಹೈವೇಸುಗಳೇ ಬೇಡ. ಜನರನ್ನು ಇಂಥಾ ಇಕ್ಕಟ್ಟಿಗೆ ಸಿಕ್ಕಿಸುವುದು ಬೇಡ. ಅದುದರಿಂದ ಈ 56ನೇ ಕ್ಲಾಜನ್ನು ಸಂಪೂರ್ಣವಾಗಿ ತೆಗೆದುಹಾಕಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ. ಅಲ್ಲದೆ ಈ ಮನುದೆಯಲ್ಲಿ ಕೊಟ್ಟಿರತಕ್ಕ ಕ್ಲಾಜ್ 56 ಕ್ಕೂ ಮತ್ತು ಕ್ಲಾಜ್ 21ಕ್ಕೂ ಒಂದಕ್ಕೊಂದು ವಿರೋಧವಾಗಿವೆ. ಆದುದರಿಂದ ನನಗೆ ಈ 56ನೇ ಕ್ಲಾಜ್ ಸರಿಕಾಣುವುದಿಲ್ಲ ಸರ್ಕಾರದವರು ಇದನ್ನು ಪುನರ್ಪರಿಶೀಲನೆಮಾಡಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ.

ಇನ್ನು ರೋಡಿನಲ್ಲಿ ಪೋಲಿಸಿನವರ ಕಾವಲನ್ನು ಬೇರೆ ಹಾಕಿದ್ದೀರಿ. ಈ ವಿಚಾರ ಮಿಸಲೇನಿಯಸ್ ಪವರ್ಸ್‌ನಲ್ಲಿ ಬಂದಿದೆ. ಇದು ಅನವಶ್ಯಕವಾಗಿ ಜನರಲ್ಲಿ ಒಂದು ಭೀತಿ ಮತ್ತು ಕಿರುಕುಳಕ್ಕೆ

ಅವಕಾಶ ಮಾಡಿಕೊಡತಕ್ಕದ್ದಾಗಿದೆ. ಇದನ್ನು ತಪ್ಪಿಸಬೇಕೆಂದು ಹೇಳುತ್ತೇನೆ. ಹೀಗೆ ನಾವು ಪ್ರತಿಯೊಂದಕ್ಕೂ ಪೋಲೀಸರನ್ನು ಇಟ್ಟುಕೊಳ್ಳುತ್ತಾ ಹೋದರೆ ಇದು ಒಂದು ಪೋಲೀಸ್ ರಾಜ್ಯವಾಗಿ, ನಾಗರೀಕರಿಗೆ ಇದು ತಕ್ಕ ರಾಜ್ಯವಾಗುವುದಿಲ್ಲ. ಒಂದು ಸಿನೀಮ, ಒಂದು ಲಾರಿ, ಒಂದು ನಾಟಕ, ಹೀಗೆ ಪ್ರತಿಯೊಂದಕ್ಕೂ ಪೋಲೀಸರಿರುವುದಾದರೆ ನಾವು ಇನ್ನೆಂಥ ನಾಗರೀಕರು? ಇಲ್ಲ 7–8 ಮೈಲಗಳಿಗೊಬ್ಬ ಇಂಜಿನಿಯರ್ ಇರುತ್ತಾನೆ. ಅವರಿಗೆ ಇದನ್ನು ವಹಿಸಿ. ಪೋಲೀಸ್‌ನವರಿಗೇಕೆ ಈ ಅಧಿಕಾರ? ಈ ಅಧಿಕಾರ ಅವರ ಕೈಗೆ ಹೋದನಂತರ ಅವರು ನಾಳೆ ಹಳ್ಳೀ ಜನಗಳ ಒಂದು ಎತ್ತು, ಇಲ್ಲವೇ ಒಂದು ಕೋಣ, ಅಥವಾ ಒಂದು ಲಾರಿ ಇವುಗಳಾವುದಾದರೂ ಆ ರಸ್ತೆಯಲ್ಲಿಸ್ವಲ್ಪ ತೊಂದರೆಯನ್ನು ಉಚ್ಚಿದರೆ ರಸ್ತೆ ಡ್ಯಾಮೇಜಾಯಿತು ಎಂದು ಹೇಳಿ ಹಳ್ಳಿಗೆ ಹೋಗಿ ಜನರನ್ನು ಐದು ರೂಪಾಯಿ ಕೊಡಿ, ಇಲ್ಲವಾದರೆ ನಿಮ್ಮ ಮೇಲೆ ರಿಪೋರ್ಟ್ ಮಾಡುತ್ತೇನೆ ಎಂದು ಹೇಳಿ ಇದರಿಂದ್ದೆನಾಳೆ ಜನಗಳಿಗೆ ಇಲ್ಲದ ಒಂದು ತೊಂದರೆ ಕೊಡಲು ಅವಕಾಶವಾಗುತ್ತದೆ. ಆದುದರಿಂದ ಈ ಅಧಿಕಾರವನ್ನು ಪೋಲೀಸಿನವರ ಕಡೆಗೆ ಕೊಡದೆ ಇದನ್ನು ಇಂಜಿನಿಯರಿಂಗ್ ಇಲಾಖೆಗೆ ವಹಿಸುವುದು ಸೂಕ್ತವೆಂದು ಹೇಳುತ್ತೇನೆ. ಈ ಪೋಲೀಸರು ಈ ನಮ್ಮ ಹೈವೇಗಳನ್ನು ಕಾಯುವುದೇನೂ ಬೇಡ ಎಂದು ಹೇಳುತ್ತೇನೆ.

ಸೆಕ್ಷನ್ನು 63ರಲ್ಲಿ ವಿಲೇಜು ಹೆಡ್‌ಮನ್ ಎಂದು ಹಾಕಿರುವವರು ಯಾರು? ಈಗ ಪಟೇಲರು ಶ್ಯಾನುಭೋಗರು ಎಂದಿದ್ದಾರೆ. ಹೊಸದಾಗಿ ಇವರ್ಯಾಕೆ ಇಲ್ಲಿರಬೇಕು? ಇಂತಹ ಕಾನೂನ್ನು ಬರೆದವರು ಯಾರು? ಇದರಲ್ಲಿರುವಂತೆ

> "Every village headman, village accountant, village watchman or other village official by whatever name called, shall forthwith inform the nearest police station..."

ಇವರು ಏಕೆ ಪೋಲೀಸು ಸ್ಟೇಷನ್ನಿಗೆ ಹೋಗಬೇಕು? ಹೈವೇಸು ಆಫೀಸಿನಲ್ಲಿರುವ ಅಧಿಕಾರಿಗಳನ್ನು ಇಲ್ಲಿ ಹಾಕಿ. ಪೋಲೀಸಿನವರನ್ನು ಇಲ್ಲಿ ತರಬೇಡಿ. ಇದು ಇಲ್ಲಿ ಸರಿಕಾಣುವುದಿಲ್ಲ. ಅದರಿಂದ ಇದನ್ನು ಸ್ವಲ್ಪ ತಾವು ಆಲೋಚನೆ ಮಾಡಬೇಕು. ಈಗಾಗಲೇ ಜನ ಪೋಲೀಸಿನವರ ವಿಚಾರದಲ್ಲಿ ರೋಸಿ ಹೋಗಿದ್ದಾರೆ. ಪೋಲೀಸಿನವರು ಎಲ್ಲೆಲ್ಲಿಗೂ ಬರುತ್ತಾರೆ ಎಂದು ಅದನ್ನು ಈ ಕಾನೂನಿನಲ್ಲಿಯೂ ತಂದು ಏಕೆ ಇಡಬೇಕು. ಇದು ಸರಿಯಲ್ಲ. ಅದರಿಂದ ಇದರಲ್ಲಿರುವ ಪ್ರಾವಿಸೋವನ್ನು ತೆಗೆದುಹಾಕಬೇಕೆಂದು ಸಲಹೆ ಮಾಡುತ್ತೇನೆ. ಈ ಕೆಲಸವನ್ನೆಲ್ಲಾ ಹೈವೇಸು ಅಥಾರಿಟಿಯವರ ಮೂಲಕವೇ ಮಾಡಿಸುವುದು ಸರಿಯಾಗಿರುತ್ತದೆ. ನಿನ್ನೆ ದಿವಂಗತ ಮಾನ್ಯನದಸ್ಯರಾದ ಶ್ರೀಮಾನ್ ಸೂರ್ಯನಾರಾಯಣರಾಯರು ಹೇಳಿದ ಹಾಗೆ ಕೆಟ್ಟ ಕಾನೂನು ಇದ್ದು ಒಳ್ಳೆಯ ಸರಕಾರ ಇದ್ದರೆ ಅನುಕೂಲವಾಗುತ್ತದೆ. ಆದರೆ ಒಳ್ಳೆಯ ಕಾನೂನು ಇದ್ದು ಕೆಟ್ಟ ಸರಕಾರ ಇದ್ದರೆ ಅದರಿಂದ ಜನಕ್ಕೆ ಅನಾನುಕೂಲಗಳಾಗುತ್ತವೆ ಎಂದು ಹೇಳಿದಂತೆ ಇಲ್ಲಿಯೂ ಆಗುತ್ತದೆ. ಆದುದರಿಂದ ಇಲ್ಲ ಪೋಲೀಸಿನವರನ್ನು ತರಲು ಹೋಗಬೇಡಿ.

ನಾನೇನೋ ಕಾನೂನುವೇತ್ತನಲ್ಲದಿದ್ದರೂ ಸ್ವಲ್ಪ ತಿಳಿದುಕೊಂಡಿದ್ದೇನೆ. ತಾವೆಲ್ಲಾ ನ್ಯಾಯಶಾಸ್ತ್ರ ಓದಿದವರು. ಅದರಿಂದ ಇಲ್ಲರುವ ಸೆಕ್ಷನ್ನು 66 (4) (1) ನ್ನು ನೋಡಿ, ಅದು ಹೀಗಿದೆ.

> "to state the truth upon any subject respecting which he is examined or makes a statement."

ಇದೇನು ಎನ್ನುವುದು ನನಗೆ ಇಲ್ಲಿ ಅರ್ಥವಾಗುವುದಿಲ್ಲ. ಈಗ ಕೋರ್ಟಿನಲ್ಲಿ ಸಾಕ್ಷಿಗಳಾಗಿ ಬರುವವರು ನ್ಯಾಯಾಧೀಶರ ಮುಂದೆ ನತ್ಯದಿಂದ ಹೇಳುತ್ತೇನೆ ಎಂದು ಹೇಳುತ್ತಾರೆ. ಇದರಲ್ಲ ಏಕೆ "to state the truth upon" ಎಂದಿರಬೇಕು?

ಶ್ರೀ ವೀರೇಂದ್ರ ಪಾಟೀಲರ್.—ಇದೊಂದು ಜುಡಿಷಿಯರ್ ಅಥಾರಿಟಿ.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ಅವನು ನುಳ್ಳುಹೇಳಿದರೂ ನಿಜ ಎಂದೇ ನೀವು ಒಪ್ಪಿಕೊಳ್ಳಬೇಕಾಗುತ್ತದೆ. ಇದರಲ್ಲಿ ಎಷ್ಟೋ ಲೋಪಗಳಿರುವುದರಿಂದ ಇದನ್ನು ಸ್ವಲ್ಪ ರಾಡಿಪಾರ್ಟುಮೆಂಟಿಗೆ ಕಳುಹಿಸಿ ಪರಿಶೀಲನೆ ಮಾಡುವುದು ಉತ್ತಮ ಎಂದು ನಾನಿಲ್ಲಿ ತಮಗೆ ಹೇಳುತ್ತಿದ್ದೇನೆ. ಅದಕ್ಕೋಸ್ಕರ ಇದನ್ನೆಲ್ಲಾ ಸರಿಮಾಡಲು ಸೆಲೆಕ್ಟ್ ಕಮಿಟಿಗೆ ಈ ಬಿಲ್ಲನ್ನು ಕಳುಹಿಸಿ. ಈ ಸಭೆ ಮುಗಿಸುವುದರೊಳಗಾಗಿ ಇದರ ವರದಿ ತರಿಸಿ ಇದನ್ನು ಕಾರ್ಯಗತಮಾಡಲು ಅನುಕೂಲಮಾಡುವುದು ಸರಿಯಾಗಿರುತ್ತದೆ ಎಂದು ಇಷ್ಟು ಹೇಳಿ ನನ್ನ ಮಾತುಗಳನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

Sri VEERENDRA PATIL (Minister for Public Works).—Sir, just now, Hon'ble Members Mr. Muckannappa, while speaking on this Bill, expressed certain doubts, and according to him this is another weapon in the hands of the Government to harass the innocent public. I want to make it clear that this is not at all the intention of the Government. On the other hand, the very purpose of bringing this legislation before this august House is to provide more facilities, more conveniences to the public and also to make better arrangements for the proper maintenance and construction of roads in future. He suggested that this Bill should be referred to a Select Committee. This is a simple measure which has been welcomed by almost all the members of this House, who have spoken on this Bill. Some members have suggested certain amendments, and I am going to accept some of the amendments which are found to be suitable. So, I do not think there is any necessity to refer this Bill to a Select Committee.

Therefore, I request the Hon'ble Member Sri Muckannappa not insist that because some of the members expressed that this was a measure anxiously awaited by the public and because it is in the interest of the State and of the public, this legislation has passed into an Act as early as possible.

Sir, some of the members while expressing their views, have pointed out certain lacunae or defects in the Bill. Some members suggested that there should be sufficient provisions in this Bill for giving adequate compensation. One Hon'ble Member hailing from South Kanara district expressed his doubts perhaps basd on the experience that he has in that district, that in awarding compensation and disposing of land acquistion cases, sufficient time is taken by the officers and the raiyats do not get adequate compensation and in time. Sometimes, they have to wait for years together in order to get compensation. So far as my knowledge goes, whatever was possible has been made and provided in this Bill to give adequate compensation. We have in the schedule proposed to amend the Land Acquisition Act also. If anybody is aggrieved of the safety or security of the owner of the land, I invite the attention of this House to clause 35, where we have given adequate security and adequate provision has been made to see that proper and adequate compensation is paid to the owner of the land.

> "35. Any person aggrieved by the award of the Highway Authority or the officer authorised under section 28 may, by written application to the Highway Authority or such officer, require that the matter be referred to the Civil Court of the Civil Judge within the limits of whose jurisdiction, the land in relation to which the award is made, is situate."

If such a reference comes from the person affected, then the Highway Authority has not got any option. That is laid down here in sub-clause (4) :

> (4) "The Highway Authority or the officer authorised shall make he reference in such manner as may be perscribed."

We have deliberately used the word SHALL which is not an option. There is no option but to refer the matter to the Civil Court. So, judiciary is the final authority in deciding this question, and I do not think that any injustice will be done to anybody at the hands of the judiciary.

Regarding the maintenance and development of the avenue trees along the road side, what is the agency that is proposed or the existing one, to maintain or to look after properly the development of the avenue trees, along the roadside. We cannot underestimate the importance of growing and maintaining the avenue trees, properly along the road-side. Sir, with regard to this, there were difficulties and different agencies were looking after these trees. Therefore, I admit that since there was no one agency at any time to look after, these avenue trees to some extent have not been maintained properly. Some have been destroyed by the people and in this way, it has suffered. Originally these avenue trees were looked after by the Revenue Department and the owners of survey numbers of land adjacent were entrusted with the actual maintenance and replacements, and even replanting of trees. I think that was the practice in vogue in Mysore area. In the year 1959, these trees were transferred to the P.W.D. and out of these tree. the tamarind trees have been declared as reserve trees and the Forest Department attends to the auctioning of such trees annually. Now there is a proposal to transfer all these roadside avenue trees to the charge of the taluk boards. That proposal is still under the consideration of the Government. We feel that we will be able to take a final decision in the matter within a couple of months. After this decision is taken and after all the avenue trees are transferred to taluk boards, I think the taluk boards will be in a better position to maintain and develop these trees and this problem will be solved.

[MR. DEPUTY SPEAKER in the Chair.]

Sir, Hon'ble Members wanted to know on what basis these highways have been classified or standardised. We have here divided these highways into five categories.—

(i) State highway special
(ii) State highway
(iii) major district road
(iv) other district road
(v) Village road.

So far as Highways coming under the categories 2, 3, 4 and 5, this is on the all-India standard. We are following the standard and specifications laid down by the Indian Road Congress and also the Transport Ministry at the Centre. This is the specification. Now the reasons for classification as State Highways, I want to mention for the information of this Hon'ble House. It is said that Highways special are a separate category and State highways come under the category

(SRI VEERENDRA PATIL)

which will be treated almost like national highways. So we have made a separate category. To give an illustration, today we are developing certain roads which do not come under the State Highways. Even if we finance some of them, we are not able to finance them fully, for instance, the ore-carrying road from Banavar-Hassan-Mangalore road. Similarly there is the West Coast road beginning from our boundary in South Kanara and ending with our boundary in North Kanara This is a road which will cover from Cape Camorin to Bombay. Similarly, there are other roads for which we receive Central assistance either partly or fully. Their specifications are a little higher than the specifications which we have fixed for our highways. Therefore, they should be put under a separate category and we have therefore said such highways can come under the category of State Highways special.

Sri G. V. GOWDA (Palya).—Who is to maintain these highways ?

Sri VEERENDRA PATIL.—So far as the maintenance is concerned, only for the construction or improvement, we get financial assistance from the Government of India. Unless they are declared and included in national highwas, it is the responsibility of the State Government to see that they are maintained. Since their specification that is laid down for State highways is higher, we require more money for the maintenance of these roads. For this purpose also, it is very necessary that we should classify these roads. That is why, we have classified them as Highways special. This is a classification that we have based on the all-India standard and on the advice of the Transport Ministry.

An HON'BLE MEMBER.—Ore carrying roads are national highways ?

Sri VEERENDRA PATIL.—They are not national highways. They are highwas special that we are developing by getting financial assistance from the Government of India. But it has been the policy of the Government to see that all highways connecting a port are declared as national highways. We are pressing the Government of India to see that such highways are declared as national highways. But till they declare it, we have to keep them in a separate category. That is why, this classification becomes necessary.

Sri G. V. GOWDA.—What is the normal annual expenditure for these highways and special highways ?

Sri VEERENDRA PATIL.—We have to determine what should be the maintenance cost for these special highways It is for the Highways authorities to work out details and determine. It is not possible for me to say off-hand, how much we are going to spend on them. These are matters of detail and we have to leave to the Government and the Highway authority.

3-00 P.M.

On the advice of the highway authorities we have to determine the lumpsum amount or we have to fix the rate per mile; we have to spend so much amount for the maintenance of the roads.

Sri C. J. MUCKANNAPPA.—What is the width of the State Highways special ?

Sri VEERENDRA PATIL.—Some members from South Kanara know that the width of the road in some cases is more than the width of the highways; it comes to 150 feet. That is why we say that this category is very essential. We have kept it for the time being as highways special. According to the classification, we have also to determine about the load to be taken on the roads. If it is MDR or other District roads, it cannot take heavy load. If it is a special highway, it can take more load on the road. For the load purpose and the maintenance purpose also it is very necessary that we have to classify these roads. For determining the road width, such a classification is necessary. To-day as it is, we have got separate road width, road margin for separate category or classification of roads. For State Fund Roads, the width is 100-200 feet, Major District Roads: 66-100 feet, Other District Roads: 50-80 feet, Village Roads: 40-66 feet. Road margin: Major District Road: 24-26 feet. Other District Roads: 22-24 feet. Village Roads: 14-18 feet. For these reasons, it is very necessary that we must have classification for these types of roads.

Honourable Member from Hole-Narsipur suggested while welcoming this Bill and the measures therein that there should be a separate agency for the maintenance and construction of the roads. Probably he has in his mind the pattern that is existing in the neighbouring States. There, there is a separate Chief Engineer for Highways and a separate department for Highways. So he suggests that similarly we must have a separate department, that even at the lowest level we must have separate sub-divisions. That is a good suggestion, but there are some difficulties in implementing that suggestion. In fact, such a suggestion has come from the Government of India also. For safety, we must have a separate department for highways. We have got a Chief Engineer in charge of not only highways but also buildings. The difficulty in having a separate division and sub-division is, to-day the tempo of the Public Works Department is going down very rapidly and there is not sufficient work load as to warrant a separate division and sub-division at the taluk and district level. So many members of this House are complaining that the administration in the Public Works Department is too heavy and we should not spend more amount on the establishment. Therefore, we have made provision in the main Act itself and in the Financial Memorandum we have made it clear that to assit the Highway authorities we require Supervisors and Clerks, we have to incur an expenditure of Rs. 8 lakhs. At the rate of two Supervisors and one Clerk for every highway authority we intend to give; that means that with this staff it is possible to cope with the work and there is no justification in having a separate division and a separate sub-division for each taluk or district. To-day for all the major projects we have got separate divisions and sub-divisions. They have nothing to do with the normal work. These divisons and sub-divisions are expected to attend to the construction and maintenance of roads, buildings and minor tanks. For medium and major tanks they

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have got separate machinery. Therefore, for attending to these works, it is not advisable to have a separate machinery. I hope my friend will agree with me.

ಶ್ರೀ ಎಚ್. ಡಿ. ದೇವೇಗೌಡ (ಹೊಳೇನರಸೀಪುರ).—ನೀರಾವರಿಗೇ ಬೇರೆ, ರಸ್ತೆಗಳಿಗೇ ಬೇರೆ ಮಾಡಬೇಕು. ಈ ಸಂಬಂಧದಲ್ಲಿ ತಾವು ನಮ್ಮ ಸಲಹೆಗಳನ್ನು ಕೇಳಿ ಆಮೇಲೆ ತೀರ್ಮಾನ ಮಾಡಿ. ಈಗ ಒಂದು ತಾಲ್ಲೂಕಿಗೆ ಒಂದು ಸಬ್‌ಡಿವಿಷನ್ ಇದೆ. ಎಲ್ಲ ಕೆಲಸಗಳನ್ನೂ ಅವರಿಗೆಲ್ಲ ಸೇರಿಸಿ ಕೊಟ್ಟಿದ್ದಾರೆ. ನೀರಾವರಿ ಕಟ್ಟಡಗಳು ಮತ್ತು ರಸ್ತೆಗಳು ಎಲ್ಲವನ್ನೂ ಒಟ್ಟಾಗಿ ಸೇರಿಸಿದ್ದಾರೆ. ಇದಕ್ಕಿಂತ ಬದಲು ಎರಡು ತಾಲ್ಲೂಕುಗಳನ್ನು ಅಥವಾ ಮೂರು ತಾಲ್ಲೂಕುಗಳನ್ನು ಸೇರಿಸಿ ರಸ್ತೆಗಳನ್ನೇ ಬೇರೆ ನೀರಾವರಿಯನ್ನೇ ಬೇರೆ ಹೀಗೆ ಮಾಡಿ ಪುನರ್ವಿಂಗಡಣೆ ಮಾಡಿದರೆ ಈಗ ಇರತಕ್ಕ ಸಿಬ್ಬಂದಿಯಲ್ಲಿಯೇ ಕೆಲಸ ಮಾಡುವುದಕ್ಕೆ ಸಾಧ್ಯವಿದೆ.

Sri VEERENDRA PATIL.—If that suggestion is accepted, then the jurisdiction of the officer will be added and if the jurisdiction is wide, it may not be possible for him to have an effective control or to enforce efficiency. That is the difficulty. However, I may assure the Honourable Member that since this is a suggestion which is identical with the suggestion that we have received from the Government of India, it will receive due consideration at the hands of the State Government.

Honourable Member Mr. G. V. Gowda questioned the validity of amendment to the Land Acquisition Act here in the Schedule. He said that it may not be constitutional to amend the Land Acquisition Act. My friend knows very well that this is a concurrent subject and it is within the powers of the State Government to amend that Act and after amending the Act, it cannot be brought into force unless it receives the assent of the President and we are going to obtain the assent of the President and we are not going to over-ride any provisions of the Constitution or to act in any way prejudicial to the Constitutional provisions. When that formality is completed, and the President gives assent to the Bill and the Schedule there is nothing unconstitutional.

About the betterment levy, some members expressed the doubt whether the betterment levy is going to be charged at the time of construction of the road or after the road is constructed or completed. This has been made clear. This is only after completion. I wanted to make it further clear. From clause 43 it is quite clear that it is going to be only after the work is completed or the road is constructed.

Sri G. V. GOWDA.—No doubt the work would be completed and there is an imagination that the value is increased. Unless the party derives benefit actually he should not be charged with betterment levye

Sri VEERENDRA PATIL.—It is very difficult for us to say when hn is going to derive benefit because the Honourable Members knows here ig Bangalore and in some other big cities, the growth of buildings is goinp enormously; it is very difficult to know when they are going to put un the building. Even here there are so many buildings which have bee. put up on agricultural land without converting the land into non-agricultural. It is very difficult for the highway authority to know when that land is going to be converted into non-agricultural purpose and when the owner is going to put a structure on the land. What we say

is, when the land has benefited by constructing the highway, then land value is appreciated and he has to pay 50 per cent increase. How we are going to calculate we have defined here in clause 43, what is the principle and how we are going to assess it, what is the value of the land at the time of construction of the road and what is the value of the land after the road is completed; the difference between these two, 50 per cent of that would be levied as betterment charges and recovered. Even if anybody is aggrieved, we have given security to the person affected, to go to the court of law and he can ask the highway authority to refer this matter to the court of law. Then it is obligatory on the part of the highway authority to refer it to the court of law.

Sri G. V. GOWDA.—My submission is, under clause 44, the highway authority refers the matter to the civil court. I want to know whether the party can question the legality?

Sri VEERENDRA PATIL.—Sir, the party can question the legality or validity of the fixation of the betterment levy.

Sri G. V. GOWDA.—I welcome the intention of the Government. But to make it explicitely clear, a proviso may be added stating: provided that the party may question the legality of the very fixation of the betterment charges. Now it means, he can question the fixation and not the legality.

Sri C. J. MUCKANNAPPA.—Sir, the only point that can be questioned in the Court is about the quantum of the betterment charges. The court will ask him only about this one point. If you do not make it very clear, it would be very difficult for anybody to get redress in the court.

Sri VEERENDRA PATIL.—Sir, let me assure the Hon'ble Members that I am making this statement after consulting the Law Department. They say that no clarification is necessary. The clause is clear that the person who is aggrieved by the order of the highway authority can question the very legality of fixing the betterment charges. He may go to the court of law and say that the value of his land has not been appreciated at all and he need not pay any betterment charges. He can question the legality of the highway authority. This is the opinion of the Law Department.

Mr. DEPUTY SPEAKER.—What Sri G. V. Gowda says is, that even the legality should be questioned through the Government officer only.

Sri G. V. GOWDA.—The aggrieved person has to request the highway authority to make a reference to the civil court. He is entitled to ask for the reduction of the betterment charge, but there is no provision whereby the party affected can file a suit or question the legality before the court.

Sri VEERENDRA PATIL.—Sir, I have convinced the Hon'ble Member that it is not at all the case. The entire thing goes before the court and the court may decide in whatever manner it may deem it fit. Sir, these are some of the doubts felt by Hon'ble Members and I have tried to reply to them. I am thankful to Hon'ble Members for their support to

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the Bill and the eagerness and anxiety that they have shown in this Bill becoming an Act. I request Hon'ble Members to see that this is passed.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ—ಒಂದು ಕ್ಲ್ಯಾರಿಫಿಕೇಷನ್ ಬೇಕಾಗಿದೆ, ಸ್ವಾಮಿ. ರೋಡ್ ಮಧ್ಯದಿಂದ ಒಂದು ಫರ್ಲಾಂಗ್ ಎಂದಿದೆ. ರೋಡ್ ಮಧ್ಯದಿಂದ ಈಚೆಗೆ 50 ಅಡಿ, ಆಚೆಗೆ 50 ಅಡಿ ಹೋಗುತ್ತದೆ. ಅಂದರೆ 220 ಗಜದಲ್ಲಿ 50 ಗಜ ಹೋದರೆ ಉಳಿದದ್ದು 170 ಗಜ ಮಾತ್ರ ಅಷ್ಟಕ್ಕೆ ಅನ್ವಯಿಸುತ್ತದೆ ಎಂದು ಹೇಳಿದ ಹಾಗೆ ಆಯಿತು. ಆದುದರಿಂದ ಎಲ್ಲಿಂದ ಒಂದು ಫರ್ಲಾಂಗ್ ತೆಗೆದುಕೊಳ್ಳುವರಿ ಎಂಬುದನ್ನು ತಿಳಿಸಬೇಕು.

Sri VEERENDRA PATIL.—It is from the middle of the road.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.— ರೋಡ್ ಮಧ್ಯದಿಂದ ಒಂದು ಫರ್ಲಾಂಗ್ ಎಂದು ತೆಗೆದುಕೊಂಡರೆ ರೋಡ್ ಅಂಚಿಂದ 170 ಗಜ ಮಾತ್ರ ಉಳಿಯುವುದು. ಈ ರೀತಿ ಮಾಡದೆ ರೋಡ್ ಕೊನೆಯಿಂದ ಒಂದು ಫರ್ಲಾಂಗ್ ಎರಡೂ ಬದಿಗೆ ಎಂದು ಇಟ್ಟುಕೊಳ್ಳುವುದು ಒಳ್ಳೆಯದು ಎಂದು ನಾನು ಸೂಚಿಸುತ್ತೇನೆ.

Sri G. V. GOWDA.—Sir, you have not distinguished between major roads, major district roads and other roads and village roads. Who should maintain these roads?

Sri VEERENDRA PATIL.—Sir, it is made very clear that the highway authority and the Government have to maintain these roads. If there is any doubt in the mind of the Hon'ble Member that when some of these roads are transferred to the taluk boards, then what will happen to them, we have made that provision also in the definition of highway authority. Highway Authority means: "the authority appointed as such or to which the functions of such authority are entrusted under section 4". So, when we transfer any class of roads to the taluk board, then we have to say that under section 4, such and such of the taluk board is the highway authority of the taluk board and he will be the authority to maintain those roads which aretransferred to them.

Sri G. V. GOWDA.—What is the distinction between major district roads and other district roads?

Sri VEERENDRA PATIL.—There are major district roads, there are inter-district roads and there are roads within the taluk and there are village roads and roads connecting taluks, districts and villages. Classification has to be made keeping all these factors in mind. We are not making any new classification, they are existing even now.

Mr. DEPUTY SPEAKER.—The question is:

"That the Mysore Highways Bill, 1963, be taken into consideration."

The motion was adopted.

CLAUSE 2.

Mr. DEPUTY SPEAKER.—The question is

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

CLAUSE 3.

Sri G. V. GOWDA.—I beg to move :

'That in line 2 for the words "The State Government" the words "the Highway Authority" shall be substituted.'

'For the existing items (i) to (v), the following items shall be substituted :

"(i) a State Highway ;
(ii) a District Road ;
(iii) a Village Road."

Mr. DEPUTY SPEAKER.—Amendment moved :

'That in line 2 for the words "The State Government" the words "the Highway Authority" shall be substituted.'

'For the existing items (i) to (v), the following items shall be substituted :

"(i) a State Highway ;
(ii) a District Road ;
(iii) a Village Road."'

† Sri G. V. GOWDA.—The best persons to determine which road is to be classified as State Highway or a major district road or other district or village road, is the technical officers of the Government. Such being the case, I do not know why the Government should assume the responsibility of declaring roads as belong to any particular classification.

† Sri VEERENDRA PATIL.—As to which road should be declared a highway is a matter of policy in which the Government is guided by the technical officers. The Highway authority is not a single authority for the entire State. We have to appoint hundreds of such officers and it might be that even an Assistant Engineer may be designated as the Highway Authority in certain cases. Such being the case, we cannot give each of them authority to make declarations because then there would be conflicts. We are guided by the advice of the Chief Engineer and other technical officers and the Government alone can take decisions in this regard.

Mr. DEPUTY SPEAKER.—The question is :

'That in line 2 for the words "The State Government" the words "the Highway Authority" shall be substituted'.

'For the existing items, (*i*) to (*v*), the following items shall be substituted.—

"(i) a State Highway.
(ii) a District Road.
(iii) a Village Road".'

The amendment was negatived.

Mr. DEPUTY SPEAKER.—The question is:

"That clause 3 stand part of the Bill".

The motion was adopted.

Clause 3 was added to the Bill.

CLAUSE 4 TO 20.

Mr. DEPUTY SPEAKER.—The question is:

"That clauses 4 to 20, both inclusive, stand part of the Bill".

The motion was adopted.

Clauses 4 to 20, both inclusive, were added to the Bill.

CLAUSE 21.

Sri G. V. GOWDA.—I beg to move:

"That in line 2 of the proviso to sub-clause (2) for the words 'one year' the words 'three months' shall be substituted".

Mr. DEPUTY SPEAKER.—Amendment moved:

"That in line 2 of the proviso to sub-clause (2) for the words 'one year' the words 'three months' shall be substituted".

†**Sri G. V. GOWDA.**—The clause envisages grant of permission for temporary encroachments on any highway, under four circumstances. Clause 21 deals with prevention of unauthorised occupation of a highway unless it is permitted. The rule is that nobody should be permitted to encroach upon a highway. As an exception permission can be granted under special circumstances. Such permission is temporary. The word 'temporary' will not have any meaning if the period is extended beyond certain limits. In my opinion even three months is too long a period to give real meaning to the word 'temporary'. Moreover there is provision for renewing the period beyond one year. A hotel or a boarding house might be put up on a highway for one year and if it is extended for another year by permission, it would be detrimental to the interests of the highway itself and on no occasion should the permission extend beyond three months.

†**Sri VEERENDRA PATIL.**—This is a power given to the highway authority to be exercised under special circumstances. One year is not the minimum period of permission. The permission may be only for a few days or months.

Mr. DEPUTY SPEAKER.—The question is:

"That in line 2, of the proviso to sub-clause (2) for the words 'one year' the words 'three months' shall be substituted".

The amendment was negatived.

Mr. DEPUTY SPEAKER.—The question is:

"That clause 21 stand part of the Bill".

The motion was adopted.

Clause 21 was added to the Bill.

CLAUSE *22.*

Sri G. V. GOWDA.—I beg to move:

"That item (*d*) of sub-clause (1) shall be deleted".

Mr. DEPUTY SPEAKER.—Amendment moved;

"That item (*d*) of sub-clause (1) shall be deleted".

† Sri G. V. GOWDA.—Clause 2 specified under what circumstances permission can be given for temporary encroachment on the highway. Item (*d*) says that if a land is required for a public purpose or if it is causing obstruction to traffic, then permission will not be given. Before granting permission the highway authority will consider with reference to a particular portion of the highway, whether the area is required for a public purpose or not or whether it would obstruct traffic. But once when these factors were considered and permission is given, there is no need for item (*d*).

[MR. SPEAKER in the Chair.]

3-30 P.M.

So, in my opinion, such a contingency would not arise, because it may not be possible for the Highway Authority later on to think that the land is needed for a public purpose. When once it is granted, there is no question of its need for a public purpose or that such encroachment will cause danger to traffic. Hence, I request the deletion of item (*d*).

Mr. SPEAKER.—If it is a question of widening it though it may be a part of the road?

Sri G. V. GOWDA.—That question would arise after permission is given.

Sri VEERENDRA PATIL.—I am not accepting the amendment.

Mr. SPEAKER.—The question is:

"That in Clause 22, item (*d*) of sub-clause (1) shall be deleted".

The amendment was negatived.

Mr. SPEAKER.—The question is:

"That Clause 22 stand part of the Bill".

The motion was adopted.

Clause 22 was added to the Bill.

CLAUSE 23.

Sri G. V. GOWDA.—I beg to move :

"That in line 5, of sub-clause (2), the words 'prosecution and also to' shall be deleted".

"That in sub-clause (4), the words 'or in lieu of removal of encroachment, ...of rent for the area encroached' shall be deleted".

Mr. SPEAKER.—Amendments moved :

"That in line 5, of sub-clause (2), the words 'prosecution and also to' shall be deleted".

"That in sub-clause (4), the words "or in lieu of removal of encroachment,.....of rent for the area encroached" shall be deleted".

Sri G. V. GOWDA.—Sub-clause (1) says :

"when as a result of check of highway boundaries made or otherwise it transpires that an encroachment has taken place on a highway, the Highway Authority or the officer authorised under sub-section (1) of Section 21 shall serve a notice on the person responsible for the encroachment."

Sub-clause (2) contemplates that the notice shall specify the land encroached upon and directing him to get out of that encroachment, and the person is liable to prosecution and also to summary eviction. So, in pursuance of the notice, he gets out of it. Then, there is no need to prosecute him, especially when there is a provision asking him to pay the damage or rent. So, in my opinion, there need not be any prosecution.

Sri VEERENDRA PATIL.—Sub-clause (2) deals with only notice. In the notice we will have told that man that he will be prosecuted and would be summarily evicted. This is only a notice. It is not that he is going to be prosecuted all of a sudden. So, we say, if he is not going to evict, then he will be summarily evicted and also prosecuted. Unless such a thing is provided, he is not going to evict the land at all. So, I am not accepting the amendment.

Sri G. V. GOWDA.—So far as amendment No. 14 is concerned, here it says :

"or in lieu of removel of encroachment, may give the person responsible for encroachment option of executing a lease..."

Notice will have already been served that he is liable for prosecution. Supposing a person approaches. Here, according to this clause, the option of the person who is responsible for encroachment, is that he can execute a lease in favour of the Highway Authority. This is highly objectionable. You must make him get out of the encroachment. Under clause 21, you grant him permission. When you direct him to get out, why he should be given the option of executing a lease ? With that object I have moved amendment No. 14, which may be accepted.

Sri G. V. GOWDA.—The Chairman being responsible as he is an elected person, he my be substituted in place of the village headman. We cannot consider the Village Panchayet Chairman to be a village official. In order to be precise, it is desirable to substitute the Village Panchayet Chairman in place of the Village Headman. That does not affect any other provision.

†Sri VEERENDRA PATIL.—This is a clause consisting of the duties of officials. The Village Panchayet Chairman is not an official. He is a non-official and elected person. We cannot entrust such duties to a non-official. Therefore, I do not think it is advisable to entrust such duties to the village panchayet Chairman.

Sri G. V. GOWDA.—I withdraw the amendment, Sir.

The amendment was, by leave of the House, withdrawn.

Mr. SPEAKER.—The question is:

"That clause 63 stand part of the Bill."

The motion was adopted.

Clause 63 was added to the Bill.

Mr. SPEAKER.—Clauses 64 and 65. The question is:

"That clauses 64 and 65 stand part of the Bill."

The motion was adopted.

Clauses 64 and 65 were added to the Bill.

CLAUSE 66.

Mr. SPEAKER.—There is a minor verbal amendment.

Sri VEERENDRA PATIL.—Sir, I beg to move:

"That in clause 66 in the heading the word 'summarily' shall be omitted."

Mr. SPEAKER.—Yesterday, I pointed out that the word 'summarily' appearing in the heading was not found in the body of the clause. So far as the heading is concerned, it is not considered to be part of the Bill. The Chair itself has powers to direct such verbal changes. I think it is not even necessary that it should be put to th House. I will, therefore, not put it to the House. The Government kindly attend to these and other verbal changes if any.

I will put the clause. The question is:

"That clause 66 as amended stand part of the Bill."

The motion was adopted.

Clause 66 as amended was added to the Bill.

Mr. SPEAKER.—Clauses 67 to 75 both inclusive. The question is:

"That clauses, 67 to 75, both inclusive stand part of the Bill."

The motion was adopted.

Clauses 67 to 75, both inclusive, were added to the Bill.

New Clause.

Sri VEERENDRA PATIL.—Sir, I beg to move:

"That the following clause after clause 75 be added as clause 76.

"76. Repeal.—The Bombay Highways Act, 1955 (Bombay Act LV of 1955) and the Mysore Highways Act, 1920 (Mysore Act IV of 1920) are hereby repealed."

Mr. SPEAKER.—This is purely a consequential amendment. The question is:

"That after clause 75, the following clause shall be added:—

"76. Repeal—The Bombay Highways Act, 1955 (Bombay Act LV of 1955) and the (Mysore Highways Act, 1920) (Mysore Act IV of 1920) are hereby repealed."

The Amendment was adopted.

Clause 76 (New Clause) was added to the Bill.

Mr. SPEAKER.—The question is:

The Schedule stand part of the Bill.

The motion was adopted.

The Schedule was added to the Bill.

Mr. SPEAKER.—Clause 1, the Title and the Preamble. The question is:

"That Clause 1, the Title and the Preamble stand part of the Bill."

The motion was adopted.

Clause 1, the Title and the Preamble were added to the Bill.

Motion to pass

Sri VEERENDRA PATIL.—Sir, I beg to move:

"That the Mysore Highways Bill, 1963, as amended, be passed."

Mr. SPEAKER.—The question is :

"That the Mysore Highways Bill, 1963, as amended, be passed."

The motion was adopted.

THE MYSORE COURT-FEES AND SUITS VALUATION (AMENDMENT) BILL, 1963.

(*Motion to consider.*)

Sri M. V. RAMA RAO (Minister for Law).—Sir, I move :

"That the Mysore Court-fees and Suits Valuation (Amendment) Bill, 1963, be taken into consideration."

Mr. SPEAKER.—Motion moved :

"That the Mysore Court-fees and Suits Valuation (Amendment) Bill, 1963, be taken into consideration."

†Sri M. V. RAMA RAO.—Sir, this is an Amending Bill to the Mysore Court fees and Suits Valuation Act, 1958, which was passed as Act No. XVI of 1958, modifying and consolidating the law relating to the levy of court-fees and valuation of suits for the purpose of determining the jurisdiction and payment of court-fees.

The main features of this Amending Bill are firstly to provide for exemption in respect of court-fees payable on plaints and memoranda of appeal and other documents on which court-fees are at present payable. In cases where the suits, memoranda of appeal and other documents are filed by the Government or authorities subordinate to the Government, for that purpose, clause 3 which is introduced in this Amending Bill seeks to provide for the amendment of Section 4 of the Principal Act, namely, the Mysore Court-fees and Suits Valuation Act, 1958. Section 4 of the Principal Act which is in force at present, reads like this :

"*4. Levy of Fee in Courts and Public Offices.*—

No document which is chargeable with fee under this Act shall—

(i) be filed, exhibited or recorded in or be acted on or furnished by, any court including the High Court, or

(ii) be filed, exhibited or recorded in any pnblic office, or be acted or are furnished by any public officer,

unless in respect of such document there be paid a fee of an amount not less than that indicated as chargeable under this Act :

Provided that, whenever the filing or exhibition in a criminal court of a document in respect of which the proper fee has not been paid is in the opinion of the court necessary to prevent a failure of justice, nothing contained in this section shall be deemed to prohibit such a filing or exhibition."